

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x Docket No.
STACEY KIRKLAND a/k/a : 08-CV-3371 (DAB) (JCF)
ZOSERA STACEY KIRKLAND, :
Plaintiff, : **DECLARATION OF**
-against- : **RONALD B. McGUIRE**
MANATT, PHELPS and PHILLIPS, LLP; and : **OPPOSING MOTIONS TO**
KROLL BACKGROUND AMERICA, INC., d/b/a : **COMPEL ARBITRATION AND**
InfoLink SCREENING SERVICES, INC., : **TO DISMISS OR STAY**
Defendants. :
-----x

RONALD B. McGUIRE of PMB 199 - 511 Avenue of the Americas, New York, New York 10011-8436, an attorney licensed to practice law in the courts of New York State and a member of the bar of this Court, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury under the laws of the United States and New York State as follows:

1. I am the attorney for Zosera Stacey Kirkland, the Plaintiff in the above referenced lawsuit and I am familiar with the facts, papers and proceedings related to this matter.

2. In 2000 I represented Ms. Kirkland in the case designated 2000NY035109 in New York County Criminal Court. My co-counsel on that case was Karl Franklin.

3. Ms. Kirkland was one of sixteen demonstrators who blocked traffic on a street near City Hall in New York City on April 5, 2000 to protest alleged unjustified violence by members of the New York City Police Department. Mr. Franklin and I represented all of the sixteen demonstrators arrested that day in their criminal cases. All sixteen defendants were charged with

disorderly conduct in violation of New York State Penal Law ("P.L.") § 240.20. Several of the demonstrators, including Ms. Kirkland, went limp and were carried into the police vehicle. The demonstrators who were carried were also charged with Resisting Arrest (P.L. § 205.30) and Obstructing Government Administration, 2d Degree (P.L. § 195.05).

4. Resisting Arrest and Second Degree Obstruction of Government Administration are misdemeanors and Disorderly Conduct is a violation, which is not a crime under New York Law. P.L. §§ 10(3) to 10(6). Mr. Franklin and I negotiated a disposition with the prosecutors who agreed that the misdemeanor charges against Ms. Kirkland her co-defendants would be dismissed if the protestors charged with misdemeanors pleaded guilty to Disorderly Conduct. Accordingly, on May 1, 2000, Ms. Kirkland and three other demonstrators appeared before Judge Ellen Coin in Part AP-3 of New York County Criminal Court where Ms. Kirkland and the other three defendants pled guilty to disorderly conduct in full satisfaction of the criminal complaint against them and Judge Coin sentenced the defendants to time served and the misdemeanor charges were dismissed. At Ms. Kirkland's sentencing Judge Coin said:

THE COURT: Your attorney tells me that each of you wishes to plead guilty to disorderly conduct, Penal Law section 240.20, which is a violation and not a crime, and which will not give you a criminal record.

* * * *

THE COURT: Ms. Kirkland, is that what you want to do?

THE DEFENDANT: Yes.

Transcript of proceedings in cases 2000NY035102, 035104, 035108 and 035109 in Part AP-3, New York County Criminal Court, May 1, 2000, at 2, lines 16-19 and at 3, lines 5-7. Declaration of Zosera Stacey Kirkland ("Kirkland Dec."), Exh. 2.

5. On April 13 and April 17, 2007 I placed phone calls to Holly Brown, the Human Resources Coordinator for Defendant Manatt, Phelps and Phillips, LLP ("Manatt") on behalf of Ms. Kirkland after Ms. Kirkland had been informed by a Manatt employee that Manatt's offer of permanent employment to Ms. Kirkland had been rescinded and that her temporary assignment was terminated as a result of erroneous information on a criminal background check prepared for Manatt by Defendant Kroll Background America, Inc. d/b/a/ InfoLink Screening Services, Inc. ("Kroll" or "InfoLink"). The InfoLink report erroneously stated that Ms. Kirkland had been convicted of Resisting Arrest and Obstructing Government Administration, the two misdemeanor charges that had been dismissed by Judge Coin.

6. On April 17, 2007 I spoke with Manatt's Senior Associate General Counsel Kelly Firment on behalf of Ms. Kirkland. I told Ms. Firment that Ms. Kirkland had never been convicted of a misdemeanor, that she wanted to correct the background search report and that I requested a copy of the report. Later that day I received a fax from Ms. Firment

containing the erroneous InfoLink report with a cover sheet giving me the name of an employee of InfoLink to contact in order to dispute the report. Appended hereto as Exhibit "1".

7. Appended hereto as Exhibit "2" is a copy of a letter I faxed to Ms. Firment on April 18, 2007 stating that the InfoLink report erroneously stated that Ms. Kirkland had been convicted of misdemeanors, that Ms. Kirkland wanted to dispute the veracity of the InfoLink's report that she had been convicted of crimes, and I offered to transmit a copy of the certified court disposition of the case if Manatt would sign an agreement to keep the document confidential.

8. After speaking with a supervising clerk of the New York County Criminal Court and reviewing New York Criminal Procedure Law ("CPL") 160.55, I determined that the sealing of convictions of non-criminal petty offenses pertained to records kept by prosecutors, police and law enforcement agencies, not to the records of the court clerk. Accordingly, on April 19, 2007, I faxed a copy of the certified disposition of Ms. Kirkland's case to Ms. Firment. Appended hereto as Exhibit 19 is a copy of the certified final disposition in New York County Criminal court case #2000NY035109. Exhibit "3", below, at 3.¹ The cover letter to Ms. Firment gave the phone number of a supervising clerk who

¹ Ms. Kirkland's birth date and her New York State Identification ("NYSID") number are redacted from the copy of the certified disposition appended hereto. The disposition that I faxed to Manatt was unredacted.

could verify that the information in the disposition and the cover letter also specified the procedure for obtaining a certified copy of the disposition directly from the clerk. Exh. 3, below.

9. When I wrote my letters of April 18 and 19, 2007 to Ms. Firment I mistakenly believed that Ms. Kirkland had been employed by Manatt when she worked as a temporary litigation paralegal at Manatt's New York City office. I have since learned that Ms. Kirkland was employed by American Legal Search, LLC while she was working at Manatt's New York City office. Kirkland Dec., ¶¶ 2-4.

10. Exhibit "4" below is a copy of a letter I addressed to Judy Lutz at InfoLink which I contemporaneously faxed to Ms. Firment on April 19, 2007. The letter stated that I was Ms. Kirkland's attorney and that she wished to correct the false information in the InfoLink report. Exh. 4, below, at 1. The letter also demanded that InfoLink:

- [1] Notify Manatt that InfoLink incorrectly reported that Ms. Kirkland was convicted of misdemeanors in case number 2005NY035109 [sic];
- [2] Notify me of the source of the erroneous information/concerning case number 2005NY035109 [sic] that was reported to Manatt;
- [3] Correct all files and databases on Ms. Kirkland to expunge the false information that she has been convicted of misdemeanors;
- [4] Notify any party or entity that received inaccurate information falsely stating that Ms. Kirkland was convicted of a crime that the information was an error;
- [5] Notify me of the identities and addresses, including e-mail contacts, of any parties or entities who received

false information pertaining to Ms. Kirkland or who may have accessed false information by accessing InfoLink reports or databases and,

- [6] Notify me of the identities and addresses, including e-mail contacts, of any parties or entities to whom InfoLink published, shared or disseminated false information erroneously stating that Ms. Kirkland had been convicted of a misdemeanor in the above referenced case.

Also, please immediately send me a report containing all information on Ms. Kirkland presently on file with InfoLink for her to review for accuracy.

Exh. 4, below, at 1-2.

11. On April 20, 2007 I transmitted a corrected copy of the April 19th letter to Ms. Lutz and Ms. Firment by fax with a cover letter indicating that I had misspelled Ms. Kirkland's name in the April 19th letter. Appended hereto as Exhibit "5" is the cover letter at 1 and the corrected copy of the April 19th letter at 2-3.

12. On April 26th 2007 I received a faxed letter from Anna Freeman of Kroll acknowledging receipt of my April 19th letter disputing the InfoLink report and stating that Kroll would reinvestigate the report within 30 days in compliance with the Federal Fair Credit Reporting Act (FCRA). Exhibit "6", below.

13. On May 1, 2007 I received a phone call from Ms. Freeman who informed me that Kroll had obtained a copy of the certified disposition of Ms. Kirkland's case. Ms. Freeman subsequently faxed a copy of the certified disposition to me which indicated that it had been issued by the court clerk's office on April 30, 2007. Appended hereto as Exhibit "7".

14. After I received the fax, I spoke with Ms. Freeman again and reiterated that the final disposition showed that the only charge Ms. Kirkland had been convicted of was Disorderly Conduct, which was not a crime. Ms. Freeman assured me that the InfoLink report would be corrected and Manatt would be notified of the mistake.

15. On May 1, 2007 I called Ms. Firment to tell her that Ms. Freeman acknowledged that InfoLink's report that Ms. Kirkland had been convicted of misdemeanors had been erroneous and would be corrected.

16. On May 4, 2007 I received a faxed letter from Ms. Firment dated May 3, 2007. Ms. Firment declared that "Ms. Kirkland has never been employed with Manatt in anything other than a temporary capacity. Accordingly, following her failure to disclose her criminal record to Manatt on her job application, her employment was not 'terminated.'" Appended hereto as Exhibit "8." Ms. Firment's letter also stated that "the information contained in Infolink's [sic] report of April 6, 2007 stands" and that "the position has since been filled and is no longer available." Id.

17. Appended hereto as Exhibit "9" is my faxed letter to Ms. Firment dated May 11, 2007.

18. Appended hereto as Exhibit "10" is Ms. Firment's faxed letter to me dated May 17, 2007 in which Ms. Firment states that Manatt had still not received a corrected report from InfoLink.

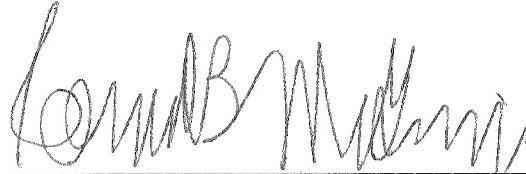
19. On May 22, 2007 at about 3:45 PM I received a phone

call from Alicia Berkitt, who said she was a supervisor at Kroll. Ms. Berkitt told me that I would receive a faxed copy of the corrected InfoLink report shortly. Later that afternoon I received a copy of an InfoLink report dated April 6, 2007 with the erroneous information that Ms. Kirkland had been convicted of crimes deleted. Appended hereto as Exhibit "11." The "corrected" report was faxed to me without a cover letter. I never received any written response to my other requests made in my letters of April 19 and 20, 2007 to Kroll, including my request for an opportunity to review all the information in Kroll's files pertaining to Ms. Kirkland.

20. On May 22, 2007, I faxed a copy of the revised InfoLink report with a cover letter to Ms. Firment. Appended hereto as Exhibit "12."

I make the foregoing declaration pursuant to 28 U.S.C. § 1746 under penalty of perjury under the laws of the United States and New York State.

Dated: New York New York
August 5, 2008



RONALD B. McGUIRE

EXHIBIT

1

**Fax Transmission**

Manatt, Phelps & Phillips, LLP
11355 West Olympic Boulevard, Los Angeles, California 90064-1614
Telephone: 310.312.4000 Fax: 310.312.4224

Time in:

Fax Number:

Confirmation Number:

To: Ronald McGuire
(201) 795-5571

From: Kelly M. Firment

Date: April 17, 2007

Pages including cover:

If you do not receive all of the pages please call (310) 312-4203 as soon as possible. Thank you.

Sender's Comments: Ronald: Infolink stated that if Zozera would like to dispute the information on the background check, she can contact Judy Lutz at infolink directly. Judy Lutz's phone number is (818) 990-4473 x. 1279.
Thank you!

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. postal service. Thank you.

Operator Use Only

Operator's Name

Comments:

Total Pages:

Time transmission completed:
p.m.

a.m.

Firment, Kelly

From: Gallagher, Janet
Sent: Friday, April 13, 2007 4:15 PM
To: Firment, Kelly
Cc: Brown, Holly
Subject: Emailing: BackGroundReportPage
Follow Up Flag: Follow up
Due By: Tuesday, April 17, 2007 7:30 AM
Flag Status: Red

Kelly - We have calls into InfoLink to double verify their information



9201 Oakdale Ave Ste 100, Chatsworth, CA 91311-6520
 Phone: (818/800) 990-HIRE (4473) Fax: (818) 709-2345
 Email: operations@infolinkscreening.com
 Web Site: www.infolinkscreening.com

California law requires Consumer Reporting Agencies to advise clients that this report does not guarantee the accuracy or truthfulness of the information as to the subject of the investigation, but only that it is accurately copied from public records, and information generated as a result of identity theft, including evidence of criminal activity, may be inaccurately associated with the consumer who is the subject of the report. The subject may request to review a file or wish a copy of the report. Such will include a notice of rights as provided by §1786.26.

Client Information

Attn: Holly Brown
 Manatt, Phelps & Phillips
 11355 West Olympic Blvd
 Los Angeles CA 90064

Fax#: WEB CLIENT

Phone#: (310)231-5410

Company ID: LAW4959

Background Report

Name: Kirkland, Zosera Stacey S
SSN: ####-##-0265
W/O: 2007032000001191

Date Received: 3/20/2007 4:23:00 PM

Completed: 4/6/2007 9:36:00 AM

Dept/Cost Center:

Summary of Services

	Status
Attention:	COMPLETED
County Search	COMPLETED
Education Reference	COMPLETED
Employment Verification	COMPLETED
Federal District CR	COMPLETED
Nationwide	COMPLETED
Motor Vehicle Report	COMPLETED
Social Security Trace	COMPLETED

A caution symbol does not assume information is negative, nor does InfoLink make recommendations regarding its use.

Attention:**COMPLETED**

Requested by: Holly Brown
CA Law Section 1786.29

County Search**COMPLETED**

The following criminal record information complies with Section 613(a)(2) of the Fair Credit Reporting Act.¹

Please refer to the following results for New York Statewide Information under AKA KIRKLAND, STACEY:

NAME ON CASE: Kirkland, Stacey S.

As of: 4/13/2007 4:11:17 PM

Page: 1

CASE #: 2000NY035109

JURISDICTION: New York Criminal Court

DATE VIOLATED: 04/05/2000

DATE FILED: N/A

DATE CONVICTED: 05/01/2000

CRIME CLASS: Misdemeanor

CHARGES: PL 205.30 00 Resisting Arrest

PL 195.05 00 2nd degree - Obstructing Governmental Administration

IDENTIFIERS: NAME, DOB

DISPOSITION: Sentenced to jail (length of time not specified) with credit (length of time not specified)

Criminal search of Felony and Misdemeanor convictions for the past 7 years indicates NO RECORD FOUND in the state of New York under KIRKLAND, ZOSERA STACEY S.

Criminal search of Felony and Misdemeanor convictions for the past 7 years indicates NO RECORD FOUND in the state of New York under AKA IMAANA, ZOSERA.

Education Reference

COMPLETED

The verification for the Reference Number 1232839 is in progress. Results will be posted as they are received.

March 26, 2007 10:20:53 AM

Flagged: No

Institution:

University of Pennsylvania

Verified by:

Mrs. Roy, Records Assistant

Dates of Attendance:

September of 1989 to August of 1993

Date of Graduation:

August 6, 1993

Degree Awarded:

Bachelor of Arts in Economics

Grade Point Average:

This information was not provided.

Additional Information or Comments:

No other information was provided.

Daily Contact Summary:

March 23, 2007 10:16:35 AM

The institution noted above requires that all requests for enrollment and degree verification be sent via fax. The verification request was faxed today and a response is expected within 2 to 3 business days. A follow-up call will be made the next business day to confirm that the fax was received by the appropriate party. When a response is received, the results will be immediately posted.

As of: 4/13/2007 4:11:17 PM

Page: 2

The verification was added March 21, 2007 08:34:52 AM

Completed: March 26, 2007
SMP

Employment Verification**COMPLETED**

The verification for the Reference Number 1232837 is in progress. Results will be posted as they are received.

March 27, 2007 08:54:10 AM

Flagged: No

Company:
Kramer Levin Naftalis & Franke

Verified by:
Ginger Krieg, Human Resources Generalist

Dates of Employment:
August of 2006 to January of 2007 (per applicant, as verified by reference)

Position:
Litigation Paralegal (per applicant)
Contract Paralegal (per reference)

Eligible for Rehire:
Yes.

Additional Information or Comments:
No additional information was provided.

Daily Contact Summary:

March 27, 2007 07:29:55 AM
A forth message was left in the mailbox for Ginger in Human Resources.

March 26, 2007 10:33:58 AM
A third voice message was left in the mailbox for Ginger in Human Resources.

March 23, 2007 01:17:40 PM
A second message was left in the applicant's voice mail requesting through which temp agency she was employed.

March 23, 2007 09:10:22 AM
Additional information from the applicant is pending.

March 22, 2007 03:44:26 PM
A message was left in the applicant's voice mail requesting through which temp agency she was employed.

March 22, 2007 02:35:52 PM
The client will be contacted regarding additional information that is needed.

As of: 4/13/2007 4:11:17 PM

Page: 3

The verification was added March 21, 2007 08:33:30 AM

Completed: March 26, 2007
og

The verification for the Reference Number 1232838 is in progress. Results will be posted as they are received.

April 05, 2007 08:52:43 AM

Flagged: Yes; no record of the applicant could be located.

Company:
Metlife

Verified by:
Automated Verification System
Christie, Human Resources Support Center Representative

Additional Information or Comments:

According to the automated system, there are no employment records corresponding to the applicant's name or social security number; thus, the requested verification cannot be provided. Please note that this does not mean that the applicant was never employed by the company noted above; rather, it simply means that there are no existing employment records available for verification.

According to the reference all employment verifications are only obtained through the automated verification system and the information provided cannot be re-verified. This verification is closed.

Daily Contact Summary:

March 26, 2007 11:36:23 AM

Though a search was conducted through directory assistance and other database systems, a telephone number was not successfully located for the company noted above. This is due to the fact that there was insufficient information provided on the application. The client was contacted today regarding the additional information needed to resume the requested employment verification.

March 23, 2007 9:16:37 AM

A message was left in the voice mailbox of the listed reference, Taa Grays.

March 22, 2007 05:45:05 PM

A call was made and a message was left in the voice mailbox of Taa Grays, Assistant General Counsel.

March 21, 2007 11:05:54 AM

According to the automated verification system, there are no employment records corresponding to the applicant's name or social security number. A call will be made the next business day in an effort to re-verify the information provided by the automated system.

The verification was added March 21, 2007 08:33:30 AM

Completed: April 4, 2007
SA

Federal District CR Nationwide

COMPLETED

As of: 4/13/2007 4:11:17 PM

Page: 4

Federal District Criminal search reveals NO RECORD under KIRKLAND, ZOSERA STACEY S for all reporting courts.
 (Alaska, Idaho and New Mexico excluded from index)

Federal District Criminal search reveals NO RECORD under AKA KIRKLAND, STACEY for all reporting courts.
 (Alaska, Idaho and New Mexico excluded from index)

Federal District Criminal search reveals NO RECORD under AKA IMAANA, ZOSERA for all reporting courts. (Alaska, Idaho and New Mexico excluded from index)

Motor Vehicle Report

COMPLETED

LICENSE NAME/ADDRESS

KIRKLAND, STACEY S
 156 E 171ST ST 2J
 BRONX, NY. 10452

LICENSE NUMBER -> [REDACTED]

ORIG.ISSUED	ISSUED	EXPIRES	CLASS	STATUS
		/2014		SURRENDERED

LICENSE TYPE:

CLASS DESCRIPTION:

STATUS DESCRIPTION: SURRENDERED

RESTRICTIONS: NONE

ENDORSEMENTS: NONE

PRIOR STATE: DL #: STATUS:

C.D.L. ISSUED: STATUS:

POINTS:

REINST DATE:

SECONDARY LIC:

OTHER STATE LIC:

OTHER STATE:

NON-RESIDENT MILITARY:

BOATCLASS:

ID ONLY	EXPIRATION:	[REDACTED] /2014
NON-COMM. STATUS: SURRENDERED	STATUS:	[REDACTED] /2004
PERMIT CLASS: D	EXPIRATION:	[REDACTED]
APPLICATION DATE: 08/24/1995	STATUS:	[REDACTED]
ENDORSEMENTS: NONE	EXPIRATION:	[REDACTED]
RESTRICTIONS: NONE	STATUS:	[REDACTED]
DOCUMENT SURRENDERED ON: 06/14/2005 TO NY		

NO ENTRIES FOUND

TYPE VIOL/SUSPE CONV/REINS HISTORY ENTRY

PTS

*****END OF RECORD*****

As of: 4/13/2007 4:11:17 PM

Page: 5

Social Security Trace**COMPLETED****UNION ID REPORT**

[FOR]	[SUB NAME]	[MKT SUB]	[INFILE]	[DATE]	[TIME]
(I) Z LA7183187	INFOLINK	17 NY	2/90	03/20/07	18:21CT

*** HIT ***

[SUBJECT]	[SSN]
KIRKLAND, STACEY S.	###-##-0265
[ALSO KNOWN AS]	
IMAANA, STACEY, S	[TELEPHONE] [REDACTED]

[CURRENT ADDRESS]	[DATE RPTD]
156 E. 171ST ST., #2J. BRONX NY. 10452	10/06
[FORMER ADDRESS]	
1171 E. 56TH ST., BROOKLYN NY. 11234	1/01
662 ASHFORD ST., BROOKLYN NY. 11207	

S P E C I A L M E S S A G E S

ID MISMATCH ALERT: INPUT SURNAME DOES NOT MATCH FILE SURNAME

****HIGH RISK FRAUD ALERT: CLEAR FOR ALL SEARCHES PERFORMED***

**** 0004 INQUIRIES ON FILE ***

ID REPORT SERVICED BY:	
TRANSUNION	800-888-4213
2 BALDWIN PLACE, P. O. BOX 1000, CHESTER, PA. 19022	

*** HIT ***

[SUBJECT]	[SSN]
IMAANA, STACEY S.	###-##-0265
[CURRENT ADDRESS]	[DATE RPTD]
156 E. 171ST ST., #2J. BRONX NY. 10452	3/07

S P E C I A L M E S S A G E S

ID MISMATCH ALERT: INPUT SURNAME DOES NOT MATCH FILE SURNAME

****HIGH RISK FRAUD ALERT: CLEAR FOR ALL SEARCHES PERFORMED***

**** 0000 INQUIRIES ON FILE ***

ID REPORT SERVICED BY:	
TRANSUNION	800-888-4213
2 BALDWIN PLACE, P. O. BOX 1000, CHESTER, PA. 19022	

*** HIT ***

[SUBJECT]	[SSN]
IMAANA, ZOSERAANASTASA A.	###-##-0265
[CURRENT ADDRESS]	[DATE RPTD]
156 E. 171ST ST., #2J. BRONX NY. 10452	6/06
[FORMER ADDRESS]	
10312 AVENUE L, #1. BROOKLYN NY. 11236	3/02

S P E C I A L M E S S A G E S

ID MISMATCH ALERT: INPUT SURNAME DOES NOT MATCH FILE SURNAME

****HIGH RISK FRAUD ALERT: CLEAR FOR ALL SEARCHES PERFORMED***

**** 0002 INQUIRIES ON FILE ***

ID REPORT SERVICED BY:
TRANSUNION
2 BALDWIN PLACE, P. O. BOX 1000, CHESTER, PA. 19022

800-888-4213

END OF TRANSUNION REPORT

The information provided herein is a consumer report as defined in the federal Fair Credit Reporting Act (FCRA) [15 USC 1681 et seq.], complies with the FCRA, and specifically Section 613(a)(2) which states that such information 'shall be considered up to date if the current public record status of the item at the time of the report is reported', and is provided subject to the terms of InfoLink Screening Services™ Client User Agreement. It contains confidential information and may be used as a factor in evaluating the named individual for employment or another permissible purpose for obtaining consumer reports identified in the FCRA. InfoLink maintains strict procedures designed to preserve data integrity and ensure that information is current and complete. We do not however warrant or guarantee the accuracy or comprehensiveness of the information provided, except to the extent that it has been accurately obtained from its source. Use of this report and compliance with the FCRA and state laws is your responsibility.

End of Report

As of: 4/13/2007 4:11:17 PM

Page: 7

y per our conversation

EXHIBIT

2

30 Newport Parkway - Suite 2608
Jersey City, N.J. 07310

PHONE: (201) 795-0342
FAX: (201) 795-5571 (not for service)

April 18, 2007

BY FACSIMILE AND FIRST CLASS MAIL

Kelly M. Firment, Esq.
Manatt, Phelps & Phillips, LLP
11355 West Olympic Blvd.
Los Angeles, Ca. 90064-1614

Re: Zosera (Stacey) Kirkland
Inaccurate InfoLink Report (W/O #2007032000001191)

Dear Kelly:

Thank you for promptly forwarding the above referenced InfoLink report on Stacey Kirkland. The information in the InfoLink report pertaining to New York County Criminal Court case #2000NY035109 is false. I was Ms. Kirkland's attorney on that case and I know the facts pertaining to that case well.

As I told you when we spoke yesterday, Ms. Kirkland was not convicted of Resisting Arrest (P.L. §205.30), Obstructing Governmental Administration in the 2nd Degree (P.L. §195.05) or any other misdemeanor. Although the final disposition is sealed by the Court, Ms. Kirkland was not convicted of any crime and she answered truthfully when she stated that she had not been convicted of a felony or misdemeanor on her Manatt Phelps employment application.

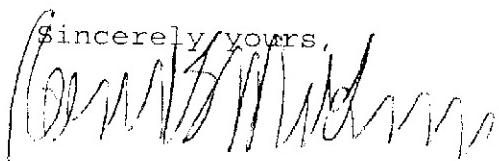
Yesterday I told you that I have a copy of the sealed disposition (the "Disposition") in case number 2000NY035109 which Ms. Kirkland authorized me to release to Manatt Phelps. As I indicated to you yesterday, the Disposition establishes that the information in the InfoLink report pertaining to the disposition of case number 2000NY035109 is false. I will transmit a copy of the Disposition to you upon your agreement to keep the Disposition confidential and to return the Disposition and any copies Manatt may make of the Disposition to me upon the conclusion of your investigation of the veracity of the information in the InfoLink report pertaining to the case.

I have enclosed a proposed confidentiality agreement for your consideration stipulating to the aforementioned conditions. If you transmit a signed copy of the enclosed stipulation by facsimile, I will send a copy of the disposition to you by overnight mail.

I will contact the clerk of the New York County Criminal Court today to find out what information may be publicly released to clear this matter up. Yesterday I also left a voice mail message for Judy Lutz of InfoLink to request that InfoLink correct the errors in its report.

It is unfortunate that Ms. Kirkland was terminated based on false information contained in the InfoLink report. She hopes the error can be corrected and that she can get her job back soon.

Please contact me after you have had the opportunity to review the enclosed confidentiality agreement. Thank you for your cooperation and assistance in resolving this matter.

Sincerely yours,


Ronald B. McGuire

enclosure

CONFIDENTIALITY AGREEMENT

On behalf of MANATT, PHELPS AND PHILLIPS, LLP, ("MANATT") the undersigned hereby stipulates and agrees that a copy of the one page Certificate of Disposition of case number 2000NY035109 (the "CASE") issued by the clerk of the Criminal Court of the City of New York for New York County (the "DISPOSITION") delivered by RONALD B. McGUIRE, ESQ. of 30 Newport Parkway, Suite 2608, Jersey City, New Jersey 07310-1472 ("McGUIRE"):

1. Will be marked as a confidential document by MANATT and that, unless ordered by a court, MANATT will not disclose the DISPOSITION or the contents of the DISPOSITION to InfoLink or any other person or entity, except for employees or partners of MANATT, and

2. Such disclosure to any employee or partner of MANATT shall be for the exclusive purpose of investigating the accuracy of the InfoLink report pertaining to the disposition of the aforementioned CASE (the "INVESTIGATION") and,

3. Upon the conclusion of the aforementioned INVESTIGATION MANATT shall return the aforementioned DISPOSITION and any copies MANATT or any employee or partner of MANATT made of the DISPOSITION to McGUIRE and,

4. The terms of this CONFIDENTIALITY AGREEMENT apply equally to any copy of the DISPOSITION made by MANATT or any employee or partner of MANATT and,

5. MANATT agrees that a signed copy of this CONFIDENTIALITY AGREEMENT transmitted by electronic facsimile shall be binding and valid.

Dated: Los Angeles, Ca.
April ___, 2007

MANATT, PHELPS & PHILLIPS, LLP

By: _____

11355 West Olympic Blvd.
Los Angeles, Ca. 90064-1614

EXHIBIT

3

30 Newport Parkway - Suite 2608
Jersey City, N.J. 07310

PHONE: (201) 795-0342
FAX: (201) 795-5571 (not for service)

April 19, 2007

BY FACSIMILE AND FIRST CLASS MAIL

Kelly M. Firment, Esq.
Manatt, Phelps & Phillips, LLP
11355 West Olympic Blvd.
Los Angeles, Ca. 90064-1614

Re: Zosera (Stacey) Kirkland
Inaccurate InfoLink Report (W/O #2007032000001191)

Dear Kelly:

Yesterday the clerk's office in New York County Criminal Court informed me that the disposition of case #2000NY035109 is a public record despite the fact that certain other records of the case are sealed pursuant to New York Criminal Procedure Law (C.P.L.) §160.55. Ms. Kirkland has authorized me to release the copy of the aforementioned certified disposition transmitted herewith.

Although the disposition is a public record, I reiterate my request that Manatt Phelps voluntarily refrain from releasing this disposition or disclosing the fact that Ms. Kirkland pled guilty to disorderly conduct (New York Penal Law [P.L.] §240.20) to InfoLink or anyone outside of your firm. If possible, I would like to get the false information in InfoLink's report concerning this case expunged from InfoLink's files and any associated databases without adding the information that Ms. Kirkland was convicted of a non-criminal offense seven years ago.

Under New York Law P.L. §240.20 is a violation, not a crime. See P.L. §§10(3) thru 10(6), defining violations, misdemeanors and felonies and limiting the definition of "crime" to misdemeanors and felonies.

You may verify the contents of the enclosed disposition by contacting Michael Lanza, the supervisor at the New York County Criminal Court Central Clerk's office at 646-386-4507 and referencing the case number. The main number for the Central Clerk's office is 646-386-4511. You can also receive a certified

copy of the disposition by mail by referencing the case number and sending a money order for \$10.00 made out to the Clerk of the New York County Criminal Court to the following address¹:

New York County Criminal Court
100 Centre Street
Room 150
New York, NY 10013

Ms. Kirkland authorized me to release the information concerning the disposition of her case to you because she is anxious to resume her job as a paralegal at your New York office promptly. She relies on your voluntary discretion and hopes Manatt will refrain from publishing the fact that she was convicted of a noncriminal offense of disorderly conduct to InfoLink or any party outside your firm.

The enclosed case disposition establishes that Ms. Kirkland was terminated based on false information in the InfoLink report and that she truthfully answered the question on her employment application when she stated that she has never been convicted of a misdemeanor or a felony. Accordingly, I request that Ms. Kirkland be immediately reinstated to her job as a paralegal at Manatt Phelps' New York office with back pay for the time she has lost since she was erroneously terminated last week.

I hope we can settle this matter promptly and that Ms. Kirkland can return to her job. Thank you for your attention to this matter.

Sincerely yours,



Ronald B. McGuire

enclosure

¹ The clerk's office will only accept attorney checks if the check indicates "attorney-at-law" or "Esq." The clerk's office does not accept checks from LLP's unless the check indicates "attorneys-at-law" or that the LLP is a law firm.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK
THE PEOPLE OF THE STATE OF NEW YORK
VS

CERTIFICATE OF DISPOSITION
NUMBER: S3548

KIRKLAND, STACEY S
Defendant

[REDACTED]
Date of Birth

662 ASHFORD ST
Address

[REDACTED]
NYSID Number

BROOKLYN NY
City State Zip

04/05/2000
Date of Arrest/Issue

Docket Number: 2000NY035109
205.3C 195.05 240.20 240.20
Arraignment Charges

Summons No:

Case Disposition Information:

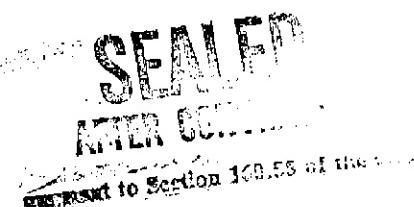
Date	Court Action	Judge	Part
05/01/2000	PLED GUILTY & SENTENCE IMPOSED PG 240.20 IMPRISONMENT=TS	COIN, E	AP3

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

PACHECO, I *Pacheco*
COURT OFFICIAL SIGNATURE AND SEAL

04/16/2007
DATE FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)



EXHIBIT

4

30 Newport Parkway - Suite 2608
Jersey City, N.J. 07310

PHONE: (201) 795-0342
FAX: (201) 795-5571 (not for service)

April 19, 2007

BY FACSIMILE AND MAIL 818-709-2345

Ms. Judy Lutz
InfoLink Screening Services, Inc.
9201 Oakdale Avenue
Suite 100
Chatsworth, CA 91311-6520

Re: Zosera Stacey Imana
InfoLink Report #W/O 2007032000001191

Dear Ms. Lutz;

I am the attorney for Zosera Stacey Imana who was discharged from her job as a paralegal by Manatt, Phelps and Phillips based on false information in InfoLink report designated W/O 2007032000001191, a copy of which is transmitted herewith. I was also Ms. Kirkland's attorney in New York County Criminal Court case number 2005NY035109 and I am familiar with the proceedings and disposition in that case.

Ms. Kirkland was not convicted of Resisting Arrest (P.L. §205.30), 2nd Degree Obstructing Governmental Administration (P.L. §195.05) or any misdemeanor or felony. Ms. Kirkland was terminated from her job at Manatt Phelps entirely due to the false information InfoLink reported to Manatt. I therefore insist that InfoLink:

1. Notify Manatt that InfoLink incorrectly reported that Ms. Kirkland was convicted of misdemeanors in case number 2005NY035109;

2. Notify me of the source of the erroneous information concerning case number 2005NY035109 that was reported to Manatt;

3. Correct all files and databases on Ms. Kirkland to expunge the false information that she has been convicted of misdemeanors;

4. Notify any party or entity that received inaccurate information falsely stating that Ms. Kirkland was convicted of a crime that the information was an error;

5. Notify me of the identities and addresses, including e-mail contacts, of any parties or entities who received false information pertaining to Ms. Kirkland or who may have accessed false information by accessing InfoLink reports or databases and,

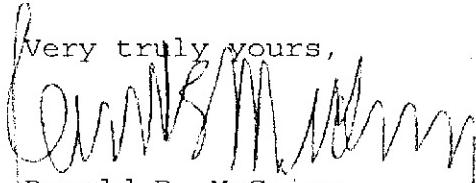
6. Notify me of the identities and addresses, including e-mail contacts, of any parties or entities to whom InfoLink published, shared or disseminated false information erroneously stating that Ms. Kirkland had been convicted of a misdemeanor in the above referenced case.

Also, please immediately send me a report containing all information on Ms. Kirkland presently on file with InfoLink for her to review for accuracy.

Ms. Kirkland has already lost her job because of the false information reported by InfoLink. I am calling on you to cooperate with me to avoid further damage to my client by notifying Manatt and anyone else who may have received false information from InfoLink pertaining to Ms. Kirkland of the error and identifying the source of the erroneous information and all parties or entities who may have received false information pertaining to Ms. Kirkland from InfoLink so that she can follow up to contain the possibility of further damage to her reputation and livelihood.

Yesterday you said you would call me immediately upon receipt of faxed confirmation that I am representing Ms. Kirkland in this matter. I hope to hear from you today.

This letter is without prejudice to any remedies Ms. Kirkland may have.

Very truly yours,

Ronald B. McGuire

enclosure

cc: Kelly M. Firment, Esq. (fax only)



California law requires Consumer Reporting Agencies to advise clients that this report does not guarantee the accuracy or truthfulness of the information as to the subject of the investigation, but only that it is accurately copied from public records, and information generated as a result of identity theft, including evidence of criminal activity, may be inaccurately associated with the consumer who is the subject of the report. The subject may request to review a file or wish a copy of the report. Such will include a notice of rights as provided by §1786.26.

Client Information**Attn: Holly Brown**Manatt, Phelps & Phillips
11355 West Olympic Blvd
Los Angeles CA 90064**Fax#:** WEB CLIENT**Phone#:** (310)231-5410**Company ID:** LAW4959**Background Report****Name:** Kirkland, Zosera Stacey S
SSN: ###-##-0265
W/O: 2007032000001191**Date Received:** 3/20/2007 4:23:00 PM**Completed:** 4/6/2007 9:36:00 AM**Dept/Cost Center:****Summary of Services**

	Status
Attention:	COMPLETED
County Search	COMPLETED
Education Reference	COMPLETED
Employment Verification	COMPLETED
Federal District CR	COMPLETED
Nationwide	COMPLETED
Motor Vehicle Report	COMPLETED
Social Security Trace	COMPLETED

A caution symbol does not assume information is negative, nor does InfoLink make recommendations regarding its use.

4/17/2007

**PAGES 2 TO 8 OF THE
ORIGINAL INFOLINK
REPORT ARE
REPRODUCED AS PAGES
3 TO 9 OF EXHIBIT 1,
ABOVE.**

EXHIBIT

5

30 Newport Parkway - Suite 2608
Jersey City, N.J. 07310

PHONE: (201) 795-0342
FAX: (201) 795-5571 (not for service)

April 20, 2007

BY FACSIMILE AND MAIL 818-709-2345

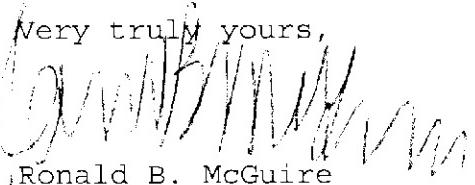
Ms. Judy Lutz
InfoLink Screening Services, Inc.
9201 Oakdale Avenue
Suite 100
Chatsworth, CA 91311-6520

Re: Zosera Stacey Kirkland
InfoLink Report #W/O 2007032000001191
Correction To Letter Dated April 19, 2007

Dear Ms. Lutz;

Enclosed is a corrected copy of the letter I sent to you by fax and mail yesterday. There was a typographical error in the spelling of Ms. Kirkland's name in the heading and the first paragraph in the letter transmitted and mailed yesterday.

As indicated in the corrected letter, I am representing Ms. Kirkland in the matter pertaining to the false information reported by InfoLink to Manatt, Phelps & Phillips and I look forward to speaking with you. Please call me at your earliest convenience.

Very truly yours,

Ronald B. McGuire

enclosures

cc: Kelly M. Firment, Esq. (fax only)

30 Newport Parkway - Suite 2608
Jersey City, N.J. 07310

PHONE: (201) 795-0342
FAX: (201) 795-5571 (not for service)

April 19, 2007

CORRECTED COPY April 20, 2007

BY FACSIMILE AND MAIL 818-709-2345

Ms. Judy Lutz
InfoLink Screening Services, Inc.
9201 Oakdale Avenue
Suite 100
Chatsworth, CA 91311-6520

Re: Zosera Stacey Kirkland
InfoLink Report #W/O 2007032000001191

Dear Ms. Lutz;

I am the attorney for Zosera Stacey Kirkland who was discharged from her job as a paralegal by Manatt, Phelps and Phillips based on false information in InfoLink report designated W/O 2007032000001191, a copy of which is transmitted herewith. I was also Ms. Kirkland's attorney in New York County Criminal Court case number 2005NY035109 and I am familiar with the proceedings and disposition in that case.

Ms. Kirkland was not convicted of Resisting Arrest (P.L. §205.30), 2nd Degree Obstructing Governmental Administration (P.L. §195.05) or any misdemeanor or felony. Ms. Kirkland was terminated from her job at Manatt Phelps entirely due to the false information InfoLink reported to Manatt. I therefore insist that InfoLink:

1. Notify Manatt that InfoLink incorrectly reported that Ms. Kirkland was convicted of misdemeanors in case number 2005NY035109;

2. Notify me of the source of the erroneous information concerning case number 2005NY035109 that was reported to Manatt;

3. Correct all files and databases on Ms. Kirkland to expunge the false information that she has been convicted of misdemeanors;

4. Notify any party or entity that received inaccurate information falsely stating that Ms. Kirkland was convicted of a crime that the information was an error;

5. Notify me of the identities and addresses, including e-mail contacts, of any parties or entities who received false information pertaining to Ms. Kirkland or who may have accessed false information by accessing InfoLink reports or databases and,

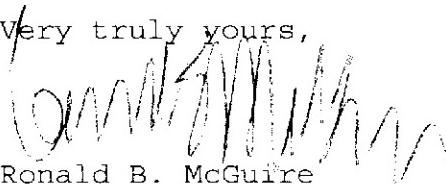
6. Notify me of the identities and addresses, including e-mail contacts, of any parties or entities to whom InfoLink published, shared or disseminated false information erroneously stating that Ms. Kirkland had been convicted of a misdemeanor in the above referenced case.

Also, please immediately send me a report containing all information on Ms. Kirkland presently on file with InfoLink for her to review for accuracy.

Ms. Kirkland has already lost her job because of the false information reported by InfoLink. I am calling on you to cooperate with me to avoid further damage to my client by notifying Manatt and anyone else who may have received false information from InfoLink pertaining to Ms. Kirkland of the error and identifying the source of the erroneous information and all parties or entities who may have received false information pertaining to Ms. Kirkland from InfoLink so that she can follow up to contain the possibility of further damage to her reputation and livelihood.

Yesterday you said you would call me immediately upon receipt of faxed confirmation that I am representing Ms. Kirkland in this matter. I hope to hear from you today.

This letter is without prejudice to any remedies Ms. Kirkland may have.

Very truly yours,

Ronald B. McGuire

enclosure

cc: Kelly M. Firment, Esq. (fax only)



9201 Oakdale Ave Ste 100, Chatsworth, CA 91311-6520

Phone: (818/800) 990-HIRE (4473) Fax: (818) 709-2345

Email: operations@infolinkscreening.com

Web Site: www.infolinkscreening.com

California law requires Consumer Reporting Agencies to advise clients that this report does not guarantee the accuracy or truthfulness of the information as to the subject of the investigation, but only that it is accurately copied from public records, and information generated as a result of identity theft, including evidence of criminal activity, may be inaccurately associated with the consumer who is the subject of the report. The subject may request to review a file or wish a copy of the report. Such will include a notice of rights as provided by §1786.26.

Client Information**Attn: Holly Brown**Manatt, Phelps & Phillips
11355 West Olympic Blvd
Los Angeles CA 90064**Fax#:** WEB CLIENT**Phone#:** (310)231-5410**Company ID:** LAW4959**Background Report****Name:** Kirkland, Zosera Stacey S
SSN: ###-##-0265
W/O: 2007032000001191**Date Received:** 3/20/2007 4:23:00 PM**Completed:** 4/6/2007 9:36:00 AM**Dept/Cost Center:****Summary of Services**

	Status
Attention:	COMPLETED
County Search	COMPLETED
Education Reference	COMPLETED
Employment Verification	COMPLETED
Federal District CR	COMPLETED
Nationwide	COMPLETED
Motor Vehicle Report	COMPLETED
Social Security Trace	COMPLETED

A caution symbol does not assume information is negative, nor does InfoLink make recommendations regarding its use.

4/17/2007

**PAGES 2 TO 8 OF THE
ORIGINAL INFOLINK
REPORT ARE
REPRODUCED AS PAGES
3 TO 9 OF EXHIBIT 1,
ABOVE.**

EXHIBIT

6

KROLL

Kroll
1900 Church Street
Suite 300
Nashville, TN 37203
Phone: (615) 320-9800
Fax: (615) 321-9585
www.kroll.com

April 20, 2007

VIA FACSIMILE (201) 795-5571

Ronald B. McGuire, Esq.
30 Newport Parkway
Suite 2608
Jersey City, New Jersey 07310

Re: Fair Credit Reporting Act (FCRA) Reinvestigation on behalf of Zosera Stacey Imana Kirkland

Dear Attorney McGuire:

Kroll is in receipt of your letter dated April 19, 2007. Thank you for your notification of dispute with regard to completeness and accuracy of items contained in the report. A Reinvestigation has been opened to investigate your client's claim.

As you know, pursuant to Section 611 of the Fair Credit Reporting Act (FCRA) a consumer disputing the completeness or accuracy of any item of information contained in their consumer file at a consumer reporting agency must notify the consumer reporting agency in order for the consumer reporting agency (Kroll in this instance) to conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate. Under the FCRA, a consumer reporting agency has a total of 30 days beginning on the date on which the agency receives the notice of the dispute from the consumer to conduct a reinvestigation and amend the report accordingly as necessary as a result of the reinvestigation.

Kroll is an FCRA compliant company and shall abide by the FCRA with regard to conducting its reinvestigation of Ms. Kirkland's file. Since your notification was received by Kroll on April 19, 2007, we shall conduct an FCRA compliant reinvestigation with regard to your client's file in compliance with Section 611 of the Act and amend her file/report according pending the outcome of the reinvestigation.

Should you have any questions or concerns regarding the reinvestigation, you may contact our supervisor of the Reinvestigations Unit, Alicia Berkitt at Ext. 1069.

Sincerely,


Anna Freeman
Reinvestigations Specialist

EXHIBIT

7

KROLL

Kroll
1900 Church Street
Suite 300
Nashville, TN 37203
Phone: (615) 320-9800
Fax: (615) 321-9585
www.kroll.com

TO:	Ronald McGuire	FROM:	Anna Freeman
FAX:	201-795-5571	FAX:	800-697-7190
PHONE:		PHONE:	800-697-7189 ext. 936
SUBJECT:	Background report	DATE:	May 1, 2007

Urgent *For Review* *Please Comment* *Please Reply* *Please Recycle*

Comments: If you have any questions or concerns, please feel free to contact me at 1-800-697-7189 ext 936.

Thank you,
Anna Freeman

This communication contains information that is confidential, proprietary in nature, and may also be attorney-client privileged. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s) or the person responsible for delivering it to the intended recipient(s), please note that any form of dissemination, distribution or copying of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender and destroy the original communication. Thank you for your cooperation.

Please be advised that neither Kroll, its affiliates, its employees or agents accept liability for any errors, omissions or damages caused by delays of receipt or by any virus infection in this message or its attachments, or which may otherwise arise as a result of this fax transmission.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK
VS

KIRKLAND, STACEY S
Defendant

662 ASHFORD ST
Address

BROOKLYN NY
City State Zip

Docket Number: 2000NY035109

205.30 195.05 240.20 240.20
Arraignment Charges

CERTIFICATE OF DISPOSITION
NUMBER: 53890

Date of Birth [REDACTED]

NYSID Number [REDACTED]

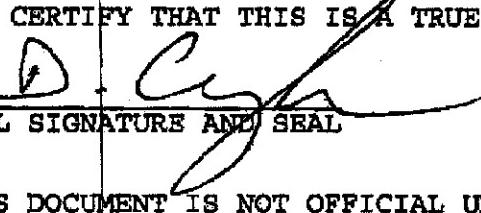
04/05/2000
Date of Arrest/Issue

Summons No:

Case Disposition Information:

Date	Court Action	Judge	Part
05/01/2000	PLED GUILTY & SENTENCE IMPOSED PG 240.20 IMPRISONMENT-TS	COIN, E	AP3

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

CUNNINGHAM, D. 
COURT OFFICIAL SIGNATURE AND SEAL

04/30/2007
DATE FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

RECEIVED
AFTER CONVICTION
in accordance with Section 160.55 of the CPL

EXHIBIT

8

**Fax Transmission**

Manatt, Phelps & Phillips, LLP
11355 West Olympic Boulevard, Los Angeles, California 90064-1614
Telephone: 310.312.4000 Fax: 310.312.4224

Client/Matter: 08888-002

Time in:

Fax Number:

Confirmation Number:

To: Ronald B. McGuire, Esq. 201-795-5571

From: Kelly M. Firment

Date: May 4, 2007

Pages including cover:

3

If you do not receive all of the pages please call (310) 312-4203 as soon as possible. Thank you.

Sender's Comments:

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. postal service. Thank you.

Operator Use Only

Operator's Name

Comments:

Total Pages:

Time transmission completed:

a.m.

p.m.



Kelly M. Firment
Manatt, Phelps & Phillips, LLP
Direct Dial: (310) 231-5495
E-mail: kmfirment@manatt.com

May 3, 2007

VIA FACSIMILE (201.795.5571) AND MAIL

Ronald B. McGuire, Esq.
30 Newport Parkway
Jersey City, New Jersey 07310

Re: Zosera Kirkland

Dear Mr. McGuire:

This letter is in response to your recent communications regarding your client, Zosera Kirkland (aka Stacey Kirkland and/or Zosera Stacey Imana). In light of the correspondence we have received from you, we assume that you represent Ms. Kirkland in relation to her temporary job assignment with Manatt, Phelps & Phillips, LLP ("Manatt"). If that is not the case, please let us know immediately.

Your recent letters significantly misstate the events surrounding Ms. Kirkland's temporary assignment as a paralegal with Manatt. Ms. Kirkland has never been employed with Manatt in anything other than a temporary capacity. Accordingly, following her failure to disclose her criminal record to Manatt on her job application, her employment was not "terminated."

To the contrary, when Ms. Kirkland's criminal background check revealed an undisclosed criminal conviction, and she suggested that report was inaccurate, she was given ample opportunity to rectify any alleged inaccuracies with InfoLink, the background reporting agency.¹ We provided her with a copy of the report and InfoLink's contact information.¹

At the time her apparent failure to disclose was discovered, Manatt had an outstanding offer of employment to Ms. Kirkland. She was also given an opportunity to amend her employment application to disclose the conviction(s), but she refused. Because she had not accepted it, Manatt rescinded that offer of employment pending a resolution of what Ms. Kirkland claimed was an error on her criminal background check. You and/or Ms. Kirkland have since contacted Infolink regarding the information contained in the report.

In nearly a month since the report was generated, the only documentation you have forwarded, dated April 19, 2007, clearly states that Ms. Kirkland pled guilty and was sentenced on several

¹ Infolink has not made any employment decisions with respect to Ms. Kirkland and cannot specify any reasons for this decision. As you have already done, you may obtain a free copy of Infolink's report for up to 60 days, and as you are already aware, you have the right to dispute the information in the report.

manatt

manatt | phelps | phillips

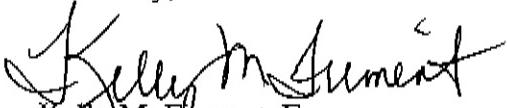
Ronald B. McGuire, Esq.
May 3, 2007
Page 2

charges in New York State related to an April 2000 arrest, including disorderly conduct, as you acknowledge in your cover letter.

Accordingly, the information contained in Infolink's report of April 6, 2007 stands, and it appears that Ms. Kirkland was required to disclose her conviction(s) on her employment application, but failed to do so. Manatt's legitimate business needs prevent it from holding open the position Ms. Kirkland seeks any longer. The position has since been filled and is no longer available.

We wish Ms. Kirkland the best in her future endeavors.

Sincerely,



Kelly M. Furment, Esq.
Senior Associate General Counsel
Manatt, Phelps & Phillips, LLP

EXHIBIT

9

~~RONALD B. MCCUIRE, ESQ.~~

Member of the New York Bar

30 Newport Parkway - Suite 2608
Jersey City, N.J. 07310

PHONE: (201) 795-0342

FAX: (201) 795-5571 (not for service)

May 11, 2007

BY FACSIMILE AND FIRST CLASS MAIL

Kelly M. Firment, Esq.
Manatt, Phelps & Phillips, LLP
11355 West Olympic Blvd.
Los Angeles, Ca. 90064-1614

Re: Zosera (Stacey) Kirkland
Settlement Demand

Dear Ms. Firment:

I was surprised and disappointed to receive your letter dated May 3, 2007 (faxed to me on May 4th) in which you accuse Ms. Kirkland of dishonesty for disputing inaccurate information contained in the InfoLink report upon which Manatt based your decision to withdraw your firm's offer of permanent employment previously extended to Ms. Kirkland.

Your May 3rd letter incorrectly states that "Ms. Kirkland pled guilty and was sentenced on several charges in New York State related to an April 2000 arrest." In fact, the only charge Ms. Kirkland pleaded guilty to was disorderly conduct (P.L. §240.20) which is classified as a non-criminal "violation" under New York Law that is deemed an "offense" and not a "crime." See P.L. §10(1) thru (6). Accordingly, Ms. Kirkland answered truthfully when she said that she has never been convicted of a crime.

You also falsely claimed that Ms. Kirkland "was given an opportunity to amend her employment application to disclose the conviction(s), but she refused." I am frankly amazed that you would make such an assertion and I have enclosed a copy of the e-mail Ms. Kirkland sent to your New York Human Resources Director Holly Brown on April 11, 2007 disclosing her conviction of P.L. 240.20, which is a violation, not a crime, under New York law. The e-mail also accurately states that Ms. Kirkland was not convicted of either resisting arrest or obstructing governmental administration, as falsely reported in the InfoLink report you admit Manatt relied upon.

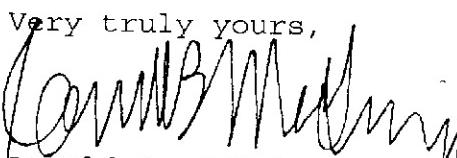
Moreover, the only negative criminal information contained in the InfoLink report falsely asserts that Ms. Kirkland was convicted of two misdemeanors: resisting arrest (P.L. §205.30) and 2nd degree obstructing governmental administration (P.L. §195.05). Those charges were both dismissed. The InfoLink report makes no mention of the charge of disorderly conduct (P.L. § 240.20), the only charge of which Ms. Kirkland was convicted.

Accordingly, the only information from InfoLink upon which Manatt relied to rescind its offer of permanent employment to Ms. Kirkland was the incorrect information falsely stating that she had been convicted of misdemeanors. When we spoke on May 1, 2007 I informed you that earlier that day I also spoke with Anna Freeman of Kroll (for InfoLink) who had received a copy of the court disposition of the charges against Ms. Kirkland. I told you that after reviewing the court records Ms. Freeman admitted that the information in InfoLink's report pertaining to Ms. Kirkland's alleged criminal convictions was inaccurate and would be corrected.

Under New York State law it is illegal to for a credit reporting agency like InfoLink to report criminal charges that have not resulted in convictions unless the charges are still pending. It is also illegal for an employer to take adverse action against an applicant or an employee based upon criminal charges that have been dismissed, such as the charges against Ms. Kirkland that were reported to Manatt by InfoLink.

Ms. Kirkland has authorized me to settle whatever claims she has against Manatt for a payment of TWENTY FIVE THOUSAND DOLLARS (\$25,000). Otherwise she will pursue her legal remedies.

This letter is without prejudice to any present or future remedies Ms. Kirkland might have.

Very truly yours,

Ronald B. McGuire

enclosure

From: Kirkland, Zosera
Sent: Wednesday, April 11, 2007 3:18 PM
To: Brown, Holly
Subject: Follow-up Regarding Legal Matter

Hi Holly,

I was finally able to locate my attorney, Ron McGuire, for the May 2000 incident. Mr. McGuire said that due to the non-violent nature of the protest, the absence of property damage, and the fact that none of the protesters had prior records, he was able to negotiate favorably on our behalf, and that I was not convicted of resisting arrest nor obstructing government administration, although these were the initial charges. (According to him, the resisting arrest charge came from going limp during arrest, and is no longer considered to be resisting arrest by many New York judges.)

Instead, these initial charges were negotiated down, and as he verified with the court clerk, I plead guilty to disorderly conduct, Penal Code 240.20, which is a violation and not a crime (i.e., misdemeanor or felony). Subsequently, the record should have been sealed and should no longer be a matter of public record.

Therefore, as I stated on my application and as I explained to you on Friday, I have not been convicted of a crime. If you have further questions or concerns, please feel free to contact me or Mr. McGuire, who can be reached at 201-795-0342.

Thank you again for bringing this important matter to my attention.

Best Regards,
Zosera S. Kirkland
Litigation Paralegal
Manatt, Phelps & Phillips, LLP
7 Times Square
New York, NY 10036
Ph: 212-790-4637
zkirkland@manatt.com

5/11/2007

EXHIBIT

10

**Fax Transmission**

Manatt, Phelps & Phillips, LLP
11355 West Olympic Boulevard, Los Angeles, California 90064-1614
Telephone: 310.312.4000 Fax: 310.312.4224

	Client\ Matter:	Time in:	
		Fax Number:	Confirmation Number:
To:	Ronald B. McGuire, Esq.	201.795.5571	201.795.0342
From:	Kelly M. Firment, Esq Senior Associate General Counsel Manatt, Phelps & Phillips, LLP Direct Dial: 310.231.5495 Direct Fax: 310.914.5808 e-mail: kmfirment@manatt.com		
Date:	May 17, 2007		
Pages including cover:	2		
If you do not receive all of the pages please call (310) 312-4203 as soon as possible. Thank you.			
Sender's Comments:	Re: <u>Zosera (Stacey) Kirkland</u>		

40643762_2 - 5/17/2007
1:05:12 PM

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. postal service. Thank you.

Operator Use Only

Operator's Name	Comments:
Total Pages:	Time transmission completed: p.m. a.m.



Kelly M. Firment
Manatt, Phelps & Phillips, LLP
Direct Dial: (310) 231-5495
E-mail: kmfirment@manatt.com

May 17, 2007

Via facsimile @ 201.795.5571& U.S. Mail

Ronald B. McGuire, Esq.
30 Newport Parkway, Suite 2608
Jersey City, N.J. 07310

Re: Zosera (Stacey) Kirkland

Dear Mr. McGuire:

This letter is in response to your May 11, 2007 settlement demand. We do not see any benefit in restating our position as previously described in my May 3, 2007 correspondence. However, It is important to note that despite the fact that you had a discussion with an Infolink representative, we have yet to receive anything from Infolink to confirm your statement that the information in Infolink's report pertaining to Ms. Kirkland's alleged criminal convictions was inaccurate and would be corrected.

It has been over a month. Accordingly, the information contained in Infolink's report of April 6, 2007 stands. The position has since been filled and is no longer available.

We do not believe that Ms. Kirkland has any claims against Manatt. Moreover, we further believe such claims would be frivolous and without merit. Therefore, we reject your offer to settle Ms. Kirkland's claims for \$25,000. Should your client elect to pursue legal remedies against Manatt, please be advised that Manatt takes these claims very seriously and will vigorously defend such an action.

Please direct any further communication regarding this subject to Manatt's outside employment counsel, Dominic J. Messiha, partner at Littler Mendelson, P.C. He can be contacted at 310.553.0308.

Sincerely,

A handwritten signature in black ink that reads "Kelly M. Firment". Below the signature, the name "Kelly M. Firment" is printed in a smaller, sans-serif font.

41118090.1

EXHIBIT

11

**InfoLink Screening
Services, Inc.**

Fax

To: Ronald B. McGuire **From:** Toni Campos
Fax: (201) 795-5571 **Pages:** 7 Including Cover
Phone: **Date:** 5/22/2007
Re: Amended report for Kirkland, Zosera **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**



This information is to be used in compliance with THE FAIR CREDIT REPORTING ACT and all other applicable state laws. Special inquiries may be supplied separately as attachments. Information provided is the most recent acquired under Section 604(b)(1)(b) of the FCRA.

This report does not guarantee the accuracy or truthfulness of the information as to the subject of the investigation, but only that it is accurately copied from public records, and information generated as a result of identity theft, including evidence of criminal activity, may be inaccurately associated with the consumer who is the subject of the report. The subject may request to review a file or wish a copy of the report. Such will include a notice of rights as provided by 1786.26.

Attn: Holly Brown
 Manatt, Phelps & Phillips
 11355 West Olympic Blvd
 Los Angeles, CA 90064

Fax #: WEB CLIENT
 Phone #: (310)231-5410
 Cust. Svc. Rep.: Jill Kellams
 User Code: LAW4959

Background Report

SUBJECT

Name: Kirkland, Zosera Stacey S
 SSN#: XXX-XX-0265
 W/O#: 2007032000001191

Received Date: 3/20/2007
 Completed: 4/6/2007
 Total # of Pages: 1 of 6

PRIVACY NOTICE

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable Federal or State law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message herein to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by phone or FAX and return the original message to the address listed below via US mail or FAX.

Attention:

Requested by: Holly Brown
 CA Law Section 1786.29

County Search

Criminal search of Felony and Misdemeanor convictions for the past 7 years indicates NO RECORD FOUND in the state of New York under KIRKLAND, ZOSERA STACEY S.

Criminal search of Felony and Misdemeanor convictions for the past 7 years indicates NO RECORD FOUND in the state of New York under AKA KIRKLAND, STACEY.

Criminal search of Felony and Misdemeanor convictions for the past 7 years indicates NO RECORD FOUND in the state of New York under AKA IMAANA, ZOSERA.

Education Reference

The verification for the Reference Number 1232839 is in progress. Results will be posted as they are received.

Employment Verification

Record found. Please review carefully.



SUBJECT:	Kirkland, Zosera Stacey S
S S N #:	XXX-XX-0265
W/O #:	2007032000001191
SUBSCRIBER:	Manatt, Phelps & Phillips

Employment Verification

The verification for the Reference Number 1232837 is in progress. Results will be posted as they are received.

March 27, 2007 08:54:10 AM

Flagged: No

Company:
Kramer Levin Naftalis & Franke

Verified by:
Ginger Krieg, Human Resources Generalist

Dates of Employment:
August of 2006 to January of 2007 (per applicant, as verified by reference)

Position:
Litigation Paralegal (per applicant)
Contract Paralegal (per reference)

Eligible for Rehire:
Yes.

Additional Information or Comments:
No additional information was provided.

Daily Contact Summary:

March 27, 2007 07:29:55 AM
A forth message was left in the mailbox for Ginger in Human Resources.

March 26, 2007 10:33:58 AM
A third voice message was left in the mailbox for Ginger in Human Resources.

March 23, 2007 01:17:40 PM
A second message was left in the applicant's voice mail requesting through which temp agency she was employed.

March 23, 2007 09:10:22 AM
Additional information from the applicant is pending.

March 22, 2007 03:44:26 PM
A message was left in the applicant's voice mail requesting through which temp agency she was employed.

March 22, 2007 02:35:52 PM
The client will be contacted regarding additional information that is needed.

The verification was added March 21, 2007 08:33:30 AM

Completed: March 26, 2007



SUBJECT:	Kirkland, Zosera Stacey S
S S N #:	XXX-XX-0265
W/O #:	2007032000001191
SUBSCRIBER:	Manatt, Phelps & Phillips

Employment Verification

Record found. Please review carefully.

og

The verification for the Reference Number 1232838 is in progress. Results will be posted as they are received.

April 05, 2007 08:52:43 AM

Flagged: Yes; no record of the applicant could be located.

Company:
Metlife

Verified by:
Automated Verification System
Christie, Human Resources Support Center Representative

Additional Information or Comments:

According to the automated system, there are no employment records corresponding to the applicant's name or social security number; thus, the requested verification cannot be provided. Please note that this does not mean that the applicant was never employed by the company noted above; rather, it simply means that there are no existing employment records available for verification.

According to the reference all employment verifications are only obtained through the automated verification system and the information provided cannot be re-verified. This verification is closed.

Daily Contact Summary:

March 26, 2007 11:36:23 AM

Though a search was conducted through directory assistance and other database systems, a telephone number was not successfully located for the company noted above. This is due to the fact that there was insufficient information provided on the application. The client was contacted today regarding the additional information needed to resume the requested employment verification.

March 23, 2007 9:16:37 AM

A message was left in the voice mailbox of the listed reference, Taa Grays.

March 22, 2007 05:45:05 PM

A call was made and a message was left in the voice mailbox of Taa Grays, Assistant General Counsel.

March 21, 2007 11:05:54 AM

According to the automated verification system, there are no employment records corresponding to the applicant's name or social security number. A call will be made the next business day in an effort to re-verify the information provided by the automated system.

The verification was added March 21, 2007 08:33:30 AM

Completed: April 4, 2007
SA



SUBJECT:	Kirkland, Zosera Stacey S
S S N #:	XXX-XX-0265
W/O #:	2007032000001191
SUBSCRIBER:	Manatt, Phelps & Phillips

Federal District CR Nationwide

Federal District Criminal search reveals NO RECORD under KIRKLAND, ZOSERA STACEY S for all reporting courts. (Alaska, Idaho and New Mexico excluded from index)

Federal District Criminal search reveals NO RECORD under AKA KIRKLAND, STACEY for all reporting courts. (Alaska, Idaho and New Mexico excluded from index)

Federal District Criminal search reveals NO RECORD under AKA IMAANA, ZOSERA for all reporting courts. (Alaska, Idaho and New Mexico excluded from index)

Motor Vehicle Report

LICENSE NAME/ADDRESS

KIRKLAND, STACEY S
156 E 171ST ST 2J
BRONX, NY. 10452

LICENSE NUMBER -> 927281583

ORIG.ISSUED	ISSUED	EXPIRES	CLASS	STATUS
[REDACTED]	2014	[REDACTED]	[REDACTED]	SURRENDERED

LICENSE TYPE:

CLASS DESCRIPTION:

STATUS DESCRIPTION: SURRENDERED

RESTRICTIONS: NONE

ENDORSEMENTS: NONE

PRIOR STATE: DL #: STATUS:

C.D.L. ISSUED: STATUS:

POINTS:

REINST DATE:

SECONDARY LIC:

OTHER STATE LIC:

OTHER STATE:

NON-RESIDENT MILITARY:

BOATCLASS:

ID ONLY EXPIRATION: [REDACTED] 2014

NON-COMM. STATUS: SURRENDERED

PERMIT CLASS: D STATUS: SURRENDERED EXPIRATION: [REDACTED] 2004

APPLICATION DATE: 08/24/1995

ENDORSEMENTS: NONE

RESTRICTIONS: NONE

DOCUMENT SURRENDERED ON: 06/14/2005 TO NY



SUBJECT:	Kirkland, Zosera Stacey S
S S N #:	XXX-XX-0265
W/O #:	2007032000001191
SUBSCRIBER:	Manatt, Phelps & Phillips

Motor Vehicle Report

NO ENTRIES FOUND

TYPE VIOL/SUSPE CONV/REINS HISTORY ENTRY

PTS

*****END OF RECORD*****

Social Security Trace

UNION ID REPORT

[FOR] [SUB NAME] [MKT SUB] [INFILE] [DATE] [TIME]
 (I) Z LA7183187 INFOLINK 17 NY 2/90 03/20/07 18:21CT

*** HIT ***

[SUBJECT] [SSN]
 KIRKLAND, STACEY S. [REDACTED]-0265
 [ALSO KNOWN AS] [TELEPHONE]
 IMAANA,STACEY,S [REDACTED]

[CURRENT ADDRESS] [DATE RPTD]
 156 E. 171ST ST., #2J. BRONX NY. 10452 10/06
 [FORMER ADDRESS]
 1171 E. 56TH ST., BROOKLYN NY. 11234 1/01
 662 ASHFORD ST., BROOKLYN NY. 11207

S P E C I A L M E S S A G E S

ID MISMATCH ALERT: INPUT SURNAME DOES NOT MATCH FILE SURNAME
 HIGH RISK FRAUD ALERT: CLEAR FOR ALL SEARCHES PERFORMED
 *** 0004 INQUIRIES ON FILE ***

ID REPORT SERVICED BY:

TRANSUNION 800-888-4213
 2 BALDWIN PLACE, P. O. BOX 1000, CHESTER, PA. 19022

*** HIT ***

[SUBJECT] [SSN]
 IMAANA, STACEY S. [REDACTED]
 [CURRENT ADDRESS] [DATE RPTD]
 156 E. 171ST ST., #2J. BRONX NY. 10452 3/07

S P E C I A L M E S S A G E S

ID MISMATCH ALERT: INPUT SURNAME DOES NOT MATCH FILE SURNAME
 HIGH RISK FRAUD ALERT: CLEAR FOR ALL SEARCHES PERFORMED
 *** 0000 INQUIRIES ON FILE ***



SUBJECT:	Kirkland, Zosera Stacey S
S S N #:	XXX-XX-0265
W/O #:	2007032000001191
SUBSCRIBER:	Manatt, Phelps & Phillips

Social Security Trace

ID REPORT SERVICED BY:
 TRANSUNION 800-888-4213
 2 BALDWIN PLACE, P. O. BOX 1000, CHESTER, PA. 19022

 *** HIT ***

[SUBJECT]	[SSN]	[REDACTED]
IMAAANA, ZOSERAANASTASA A.		
[CURRENT ADDRESS]	[DATE RPTD]	
156 E. 171ST ST., #2J. BRONX NY. 10452	6/06	
[FORMER ADDRESS]		
10312 AVENUE L, #1. BROOKLYN NY. 11236	3/02	

S P E C I A L M E S S A G E S

ID MISMATCH ALERT: INPUT SURNAME DOES NOT MATCH FILE SURNAME
 HIGH RISK FRAUD ALERT: CLEAR FOR ALL SEARCHES PERFORMED
 **** 0002 INQUIRIES ON FILE ***

ID REPORT SERVICED BY:
 TRANSUNION 800-888-4213
 2 BALDWIN PLACE, P. O. BOX 1000, CHESTER, PA. 19022

END OF TRANSUNION REPORT

EXHIBIT

12

30 Newport Parkway - Suite 2608
Jersey City, N.J. 07310

PHONE: (201) 795-0342
FAX: (201) 795-5571 (not for service)

May 22, 2007

BY FACSIMILE AND FIRST CLASS MAIL

Kelly M. Firment, Esq.
Manatt, Phelps & Phillips, LLP
11355 West Olympic Blvd.
Los Angeles, Ca. 90064-1614

Re: Zosera (Stacey) Kirkland
Corrected InfoLink Report

Dear Ms. Firment:

About an hour ago InfoLink faxed to me a corrected copy of the April 6, 2007 report on Ms. Kirkland that InfoLink sent to Manatt on or about that date. The corrected report deletes all erroneous references to criminal convictions and confirms the veracity of Ms. Kirkland's answer on her employment application and her e-mail to Holly Brown on April 11, 2007, truthfully stating that Ms. Kirkland has never been convicted of any crime. A copy of the corrected InfoLink report is transmitted herewith.

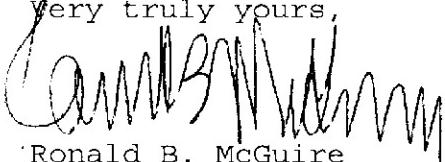
On April 19th I faxed to you a copy of the certified disposition of the New York County criminal case against Ms. Kirkland. The disposition showed that the charges that InfoLink originally reported as convictions were dismissed. In my letter of April 19th I also advised you of the phone numbers of the supervising clerk of the New York County Criminal Court who could verify the accuracy of the disposition. I also advised you how to get a certified copy of the disposition directly from the court. On May 1, I told you that I had spoken with Anna Freeman of Kroll who was conducting the reinvestigation of Ms. Kirkland's report for InfoLink. At that time I told you that Ms. Freeman reviewed the aforementioned disposition and advised me that the erroneous report of a criminal conviction against Ms. Kirkland would be corrected by InfoLink.

I regret the fact that Manatt continued to rely on the erroneous information reported by InfoLink even after I transmitted a copy of the certified disposition of Ms. Kirkland's case to you and attempted to put Manatt directly in touch with the clerk of the New York County Criminal Court to verify the Ms. Kirkland had not been convicted of any crime.

Ms. Kirkland has suffered emotionally as well as financially from wrongfully losing her position at Manatt and from being falsely labelled as a criminal by Manatt and InfoLink.

Ms. Kirkland is still interested in amicably settling this matter.

I hope to hear from you or your counsel shortly. Thank you for your attention to this matter.

Very truly yours,

Ronald B. McGuire

enclosure

c: Dominic J. Messiha, Esq. (by fax)

**THE AMENDED INFOLINK
REPORT IS REPRODUCED
IN EXHIBIT 11, ABOVE.**